

REMARKS

Restriction

On page 2 of the April 2003 Office Action the Examiner reformulates the prior restriction. In this new version of the Restriction it is asserted that the compound claims 1-10 and 15 (group I) are related to both the electrochemical cell claims 11 and 13-15 (group II), and the capacitor claim 12 (group III) as product and process of use. Applicants traversed the Restriction pointing out that claims 11 -15 were not process claims.

The Examiner now responds by asserting that there was never an indication made that claims 11 -15 are process claims. The Examiner argues that Groups II and III are related to the product of group I as a process of using the ionic liquid. the product of Group I and thus are a process for using the compounds of group I. Applicants respectfully submit that this argument is incorrect. The claims of Groups II and III are clearly not process claims and thus can not be related to the claims of Group I as product and process of use. The Examiner cites no authority for asserting that MPEP §806.05(h) is applicable to situations that do not involve process of use claims. This section of the MPEP, as well as the corresponding form paragraph, refers to the "process of using as claimed." The claims of Groups II and III undeniably do not claim a process of use.

Instead, the relationship between the claims of Group I and the claims of Groups II and III is one of subcombination and combination. See MPEP §806.05(c). This type of relationship requires two-way distinctness for Restriction, and such two-way distinctness has not been shown in the instant case.

Moreover, there is no burden imposed upon the PTO in examining the claims of Groups II and III with the elected claims of Group I. Once the product claims are found to be allowable, the combination claims of Groups II and III will also necessarily be allowable.

Also, as a point of clarification, claim 10 and 11 are not electrochemical cell claims. They are composition claims.

Withdrawal of the Restriction is again respectfully requested.

Claim Rejection under Sections 102 (a)

Claims 1, 2, 4, 5 and 9 were rejected under 35 USC 102(a) as allegedly anticipated by JP-2000-254513 (September 19, 2000) and Kuhn et al. (2001)

Applicants previously submitted a certified translation of the priority document to perfect applicants' claim of priority under 35 U.S.C. section 119. Attached is a stamped postcard indicating the USPTO received the document as well as another copy of the certified translation of the priority document.

Withdrawal of the rejection is requested.

Claim Rejections under Section 103 (a)

Claims 6, 16 and 17 were rejected under 35 USC 103(a) as allegedly unpatentable over Kuhn, et al. or JP 2000-254513, taken in combination with either JP-11-209583 or JP 11-171981.

As stated above, attached is another copy of the certified translation of the priority document to perfect applicants' claim of priority under 35 U.S.C. section 119.

JP 11-209583 concerns an epoxy resin composition used for laminates and useful for printed circuit boards. The resin composition comprises an epoxy resin, a polyamine and a specific onium borate. JP 2000-17145 relates a thermosetting resin composition for use in molded products. The resin comprises a novolak type phenolic resin, hexamethylenetetramine and a specific onium borate.

The compositions of JP-11-209583 and JP 2000-17145 relate to resin compositions. They do not teach or suggest ionic liquids. Furthermore, these references do not disclose or suggest onium borates according to applicant's invention. The onium borates disclosed in JP-11-209583 and JP 2000-17145 are substituted with a methyl at the 2-position of the imidazolium ring system.


Neither JP-11-209583 nor JP 2000-17145 discloses alkyl substituents at the 1 and 3 positions of the imidazolium ring.

In view of the above remarks withdrawal of the rejection under 35 USC 103(a) is respectfully requested.


It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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